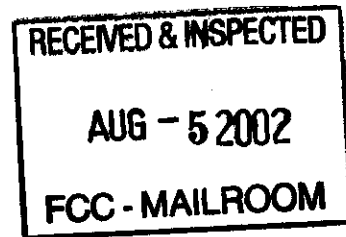




July 29, 2002

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554



Western New York
Regional
Information
Center

Re: CC Docket Nos. 96-45 and 97-21

DOCKET FILE COPY ORIGINAL

Block 5 Funding Request Rejection

Applicant Form Identifier: Y5-124872 - 1

Form 471 Application Number: 327098

Funding Year 5: 07/01/2002 - 6/30/2003

Billed Entity: Albion Central School District

Contact Name: Susan C. Melancon

WNYRIC at Erie 1 BOCES

355 Harlem Road

West Seneca, NY 14224

716 821 7455

716 821 7394 Fax

smelancon@erie1.wnyric.org

Erie 1 BOCES
355 Harlem Road
West Seneca
New York
14224

Ph 716.821.7155
Ex 716.821.7204

Block 5 Funding Request:

Category of Service (Block 5, Item 11): Telecommunications Service

Service Provider Identification Number: 143016242

Service Provider Name: Paetec Communications Inc.

Funding Commitment Request (Item 23, Column K): \$17,483.75

Reason for Denial: The FRN references a Form 470 that has not been certified.

FRN: 876936

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Dear Sirs:

The above-mentioned Funding Request was denied by the SLD effective July 16, 2002 because they did not receive a signed Block 5: Certification and Signature page. We are submitting this Appeal to the FCC in the hope that the FCC will view our request with more favorable discernment.

On November 29, 2001, the SLD informed the Albion CSD in the Form 470-Receipt Notification Letter that they had not yet received the signed Block 5 Certification Page. The SLD returned the unsigned Block 5 Certification Page to the district. Shawn Liddle, E-Rate Contact person for the Albion CSD, signed and dated it and returned it to the SLD via US mail on December 3, 2001. (Copy Attached.) The SLD now states they never received the form and has denied the entire application. This decision denies the applicant E-Rate funds for which it is fully entitled; therefore we are submitting this appeal to the FCC for rectification.

We offer the following information to substantiate our request:

1. Albion Central School District is a small, rural school district located in Western New York. Mr. Shawn Liddle, the Assistant Superintendent for Business, and the contact person on the Form 470 for the Albion CSD, has participated in the E-Rate program since its inception. He is very

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familiar with the rules of the program and the consequences of not following the rules. His past contacts with the SLD reflects the diligence and conscientiousness you expect from your applicants.

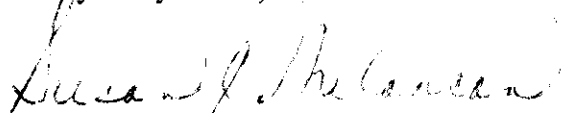
2. Mr. Liddle, a responsible assistant superintendent, would not neglect a letter from the SLD asking for a signature. Realizing the sensitive and timely nature of the E-Rate application process, Mr. Liddle signed and returned the Block 5: Certification and Signature document immediately upon receiving it.
3. Mr. Liddle did everything satisfactorily to complete the Form 470 certification process. The failure of the Block 5: Certification and Signature page to arrive at the SLD was not the responsibility of Mr. Liddle, but that of the US Postal Service. The Block 5 Certification Page arrived at the Albion CSD by regular mail, therefore Mr. Liddle return it the same way. Nowhere in the SLD instructions are applicants advised to submit correspondence by certified mail. If the US Postal Service lost the signed Block 5 and did not deliver it to the SLD, the billed entity should not be penalized for circumstances beyond its control.
4. The US Postal Service has never returned the certification document to the Albion CSD, therefore we could assume that the document was delivered securely into the hands of the SLD, and subsequently lost by the SLD. If this is the case, the billed entity should not be penalized for the negligence of the SLD. This is a second possibility for the loss of the document, and again, it is beyond the control of the applicant.

Conclusion

The FY 2002 Application for the Albion CSD was not certified because the SLD states they never received the signed Block 5: Certification and Signature page. We are appealing this denial and we request a reversal of the denial because the billed entity (1) **did** submit a signed Block 5 certification page via US mail (attached,) (2) has met all the filing requirements, (3) fully qualifies for funding, (4) has established a history of responsible performance, and (5) should not be penalized for circumstances beyond its control. The FCC should rule in favor of the billed entity because the SLD has set precedence for assisting applicants who legitimately qualify for funds, and a denial of this request would not conform to the goals and purpose of the E-Rate program.

We understand that this approval only allows the Form 471 application to be processed, and that our application must be further reviewed for a funding decision.

Very Truly Yours,



Susan C. Melancon

Alternate Contact Person for Mat Dziuba

Attachments:

Copy of signed Block 5: Certification and Signature page

AUG - 5 2002

Entity Number 124872

Contact Person Shawn Liddle

Applicant's Form Identifier Y5-470-124872

Phone Number (716) 589-2082

FCC MAIL ROOM

Block 5: Certification and Signature

19 The applicant includes: (Check one or both.)

- a ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).

20 All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a ☐ individual technology plans for using the services requested in the application; and/or
- b ☒ higher-level technology plans for using the services requested in the application; or
- c ☐ no technology plan needed; application requests basic local and long distance telephone service only.

21 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

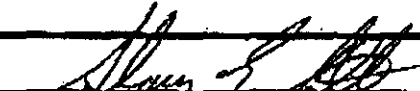
- a ☒ Technology plan(s) has/have been approved by a state or other authorized body.
- b ☐ Technology plan(s) will be approved by a state or other authorized body.
- c ☐ The application requests basic local and long distance telephone service only; no technology plan needed.

22 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23 I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25 Signature



26 Date

12/03/2001

27 Printed name of authorized person Shawn Liddle

28 Title or position of authorized person Clerk of the Brd. of Ed.

29 Telephone number of authorized person: (585) 589-2050, ext. 2082

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC Form 470 #: 927330000376677

Albion CSD